IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12238 of 2004

Between:

Noor Mohammed, E-81181, Driver, S/o.Qursheed

Aged 54 years,
Mahabubnagar Depot, R/o.Mahabubnagar,

Mahabubnagar District.

..... PETITIONER

AND

1 The A.P.S.R.T.C.,

Rep by its's Managing Director Musheerabad, Hyderabad.
2 The Regional Manager A.PS.R.T.C.

Musheerabad Region,

Mahaboobnagar.
3 The Depot Manager A.P.S.R.T.C.,

Mahabubnagar Depot, Mahaboobnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents herein in not providing alternative employment and retiring the petitioner from service Vide Proc.No.P2/693 (9)/2002-Mahabubnagar Dt.26.11.2002 as illegal and contrary to the provisions of Sec.47 of the persons with disabilities (equal opportunities protection of rights and full participation) Act 1995 is illegal, arbitrary and against the principles of natural justice and violative of Art.14,16 and 21 of the Constitution of India and as such set aside the same with a consequential direction to reinstate the petitioner forthwith in any alternative employment in the interest of justice and pass such other order or orders

as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.Kanti Narahari (SC FOR APSRTC)

The Court made the following :

ORDER:

The petitioner worked as a driver in the respondent-Corporation. He retired from service on medical invalidation, on the ground that he is unfit to discharge the duties of the driver due to defective vision on account of the injury in an accident of the bus which was driven by him. On 23-06-2003, the petitioner made an application to the respondent-Corporation requesting to provide any alternative employment by virtue of Section 47 of "the persons with disabilities (equal opportunities protection of rights and full participation) Act, 1995" (for short 'the Act'). The grievance of the petitioner is that the respondents did not pass any order on his representation. Therefore, he approaches this Court seeking a direction to the respondents to consider his representation for alternative employment under Section 47 of the Act.

2. In the light of the circumstances explained by the petitioner, the second respondent is directed to pass appropriate orders keeping in view the mandatory provisions of Section 47 of the Act, the existing rule and the judgment of the Supreme Court in "KUNAL SINGH v. UNION OF INDIA AND ANOTHER" within three months from the date of receipt of this order and communicate the same to the petitioner.

3. The writ petition is accordingly disposed of. No order as to costs.

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06-08-2004

vs

To

1 The A.P.S.R.T.C.,

Rep by its's Managing Director Musheerabad, Hyderabad.
2 The Regional Manager A.P.S.R.T.C.,

Musheerabad Region,

Mahaboobnagar.
3 The Depot Manager A.P.S.R.T.C.,

Mahabubnagar Depot, Mahaboobnagar.

4 Two CD copies.

HON’BLE DR JUSTICE G.YETHIRAJULU

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DATED: 06-08-2004.